

UNITED STATES OF AMERICA	*	CRIMINAL NO. 11-255
v.	*	SECTION: "L"
MICHAEL HOOKER	*	
	*	*

If this case were to proceed to trial, the government would prove that the defendant, MICHAEL HOOKER (HOOKER), is guilty beyond a reasonable doubt of counts 1, 2, 4 and 6 of the Indictment, which charge HOOKER with violations of Title 18, United States Code, Section 371; Title 18, United States Code, Section 922 (a)(6); and Title 18, United States Code, Section 922 (g)(1) and 924(a)(2). The government would establish through credible and competent witnesses and evidence the following facts:

On Saturday, March 19, 2011, at approximately 10 a.m., Jefferson Parish Sheriff Officer (JPSO) Detective Derrick Leggett and JPSO Sergeant Anthony Synigal, along with other members of the JPSO Street crimes division, were assigned to work a joint undercover investigation with Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) agents and the Kenner Police Department at the Pontchartrain Center Gun show located at 4545 Williams Blvd, Kenner,

Louisiana. The law enforcement officers and agents were specifically looking for individuals making illegal “straw” purchases, whereby a person with no criminal record illegally buys a firearm and/or ammunition for a person who has been previously convicted of a felony or is otherwise legally prohibited from making such a purchase.

Several agents and officers were positioned at the interior and exterior of Pontchartrain Center in the course of the undercover operation. At approximately 12:00 p.m., ATF agent David Millen was positioned at the interior of the part of the Pontchartrain Center. Agent Millen advised by radio that he observed three male subjects, later identified as defendant HOOKER, WILLIAM HOLLINS (HOLLINS) and WILLIAM SMITH (SMITH), approach a sales gun table. Agent Millen advised that he observed HOOKER pick up a firearm from the sales table. Agent Millen saw HOOKER place the gun back on the sales table. Agent Millen then observed HOOKER point at the same gun on the sales table and verbally communicate with SMITH. Agent Millen next observed SMITH walk over to the area and fill out a Department of the Treasury, ATF Form 4473, Firearms Transaction Record, to purchase the firearm from Michael Reuss d/b/a Covington Concealments, Slidell, Louisiana, a licensed dealer of firearms under the provisions of Chapter 44 of Title 18, United States Code. Agent Millen saw SMITH complete the purchase of the firearm, later identified as a C.M. Romarm S.A./Cugir, Draco Pistol, 7.62 caliber, serial number DC-1093-10, and a compatible extended magazine capable of holding more than 15 rounds.

Agent Millen then observed HOLLINS walk to the ammunition counter where he purchased

what appeared to be ammunition. Afterward, Agent Millen took a cell phone photo of the three just before departing and he next observed SMITH, HOOKER and HOLLINS walk toward the exit doors with SMITH carrying a sales box containing the subject firearm.

JPSO Detective Harley Smith advised by radio that after SMITH, HOLLINS and HOOKER exited the Pontchartrain Center, he observed HOLLINS carrying the sales box containing the firearm. Detective Smith stated that he observed SMITH, HOLLINS and HOOKER enter into a four-door blue Acura vehicle bearing Louisiana license plate markings TGJ220. HOOKER was the driver of the vehicle at all relevant times. The subject firearm and ammunition were placed in the trunk of the blue Acura vehicle. Detective Smith observed the Acura vehicle exit the parking lot and head southbound on Williams Boulevard.

ATF Agent Adam “Beau” Small, along with Kenner Police Department officers, conducted an investigatory traffic stop on the Acura vehicle being driven by HOOKER at the corner of 39th Street and Williams Boulevard in Kenner, Louisiana. Agent Small ran a computer check on the three suspects. It was learned that HOOKER had been convicted of crimes punishable by imprisonment for a term exceeding one year; to wit: a conviction on October 21, 2002 in Orleans Parish Criminal Court, State of Louisiana, case no. 413847, for possession with intent to distribute cocaine (crack) in violation of La.-RS 40:967(B)(1); and on October 21, 2002 in Orleans Parish Criminal Court, State of Louisiana, case no. 432042, for possession with intent to distribute cocaine (crack) in violation of La.-RS 40:967(B)(1). Agent Small then removed the subject firearm, five boxes of

Brown Bear 7.62x39 caliber ammunition, one box of Fiocchi 12 gauge caliber ammunition and one box of Centurion 12 gauge caliber ammunition from the trunk of the Acura vehicle.

The defendants were transported to the ATF office in Metairie, Louisiana, wherein each one of them was advised of their rights per *Miranda*. Agent Small obtained a signed waiver of rights from HOLLINS, HOOKER and SMITH. Agent Small then obtained a voluntary audio taped statement from HOLLINS while in the presence of JPSO Sergeant Synigal and JPSO Detective Leggett. At that time, HOLLINS stated that he had knowledge that he should not be in the presence of any type of firearm or ammunition. HOLLINS stated that he purchased the one box of Fiocchi 12 gauge caliber ammunition and one box of Centurion 12 gauge caliber ammunition for his uncle from the gun show and that he held the 7.62 Draco firearm while walking to the Acura vehicle. HOLLINS admitted that he was the person who then placed the firearm into the trunk of the Acura vehicle.

ATF agent Small then obtained a voluntary audio taped statement from SMITH. SMITH admitted that HOOKER wanted SMITH to buy the firearm for HOOKER and gave SMITH a profit of approximately \$40.00 to complete the purchase. HOOKER picked up SMITH on the morning of March 19, 2011, along with HOLLINS, and drove to the Pontchartrain Center Gun Show in the Acura. SMITH stated HOOKER gave him \$500 and that SMITH purchased the 7.62 Draco firearm for approximately \$460.00. Even though the firearm was for HOOKER, SMITH filled out the ATF form 4473 as though he [SMITH] were the owner of the firearm. SMITH acknowledges that the

statement on line/question 11a of the Department of the Treasury, ATF Form 4473, Firearms Transaction Record, about the true ownership of the subject firearm is knowingly false. SMITH also acknowledged that HOOKER purchased five boxes of Brown Bear 7.62x39 caliber ammunition for the said firearm.

An ATF expert has confirmed that the C.M. Romarm S.A./Cugir, Draco Pistol, 7.62 caliber, serial number DC-1093-10 was manufactured outside of State of Louisiana. To be present in Louisiana on the date of this incident would require that the said firearm traveled from one state to another and, accordingly, affect interstate commerce. The same ATF expert would also state that the firearm met the legal definition of a “firearm” set forth in Title 18, United States Code, Section 921(a)(3). An expert in fingerprinting would also testify that HOOKER is the same previously convicted felon as the person arrested on the subject date by JPSO.

APPROVED AND ACCEPTED:

MICHAEL HOOKER Date
Defendant

GEORGE CHANEY, JR. Date
Attorney for Defendant

EDWARD J. RIVERA Date
Attorney for the United States of America